

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MARIE RICHARDSON) CASE NO. 08-20780-jpk
) Chapter 13
Debtor.)

ORDER REGARDING PROCEDURE FOR MOTION FOR RELIEF FROM STAY

On August 5, 2008, Citifinancial North America filed a Motion for Relief From Stay and to Abandon Real Estate. The motion was accompanied by a "Notice of Motion and Opportunity to Object", in the form of that provided for by N.D.Ind.L.B.R. B-2002-2. This a Chapter 13 case, and there is no provision in any applicable law or rule for the utilization of a "drop-dead" procedure with respect to this motion. The notice, and the attempt to create a "drop-dead" circumstance, is therefore ineffective. The Court also notes that this motion has been filed prior to confirmation of the debtor's Chapter 13 plan, and as such— in accordance with the court's prior determinations in similar circumstances— the motion may fail to state a claim upon which relief will be granted. The motion will be set separately for a preliminary hearing.

IT IS ORDERED that the Notice of Motion and Opportunity to Object filed on August 7, 2008, by Citifinancial North America is ineffective for all purposes, and that the creditor's motion will be separately set for preliminary hearing.

Dated at Hammond, Indiana on August 20, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
All creditors and parties-in-interest